

MINUTES

SALINA CITY HERITAGE COMMISSION MEETING
CITY COMMISSION ROOM
January 25, 2006
4:00 P.M.

MEMBERS PRESENT: Douglass, Reynolds, Specht, Stoeber and Yarnevich

MEMBERS ABSENT: Plumer

PLANNING STAFF: Andrew and Burger

The hearing began at 4:00.

#1. Review of Special Meeting Minutes September 28, 2005.

Minutes were approved as presented.

#2. Review of Minutes October 26, 2005.

Minutes were approved as presented.

**#3. The preliminary discussion of potential amendments to the Heritage
Conservation District Ordinance relating to the maintenance of Historic
District properties.**

Mr. Andrew gave the staff report as contained in the case file.

Mrs. Douglass stated I see this as a three pronged issue with a three pronged solution. We need to do something with the existing ordinance so that it has some teeth.

Mr. Andrew asked are you thinking in terms of the minimum maintenance provision?

Mrs. Douglass stated in terms of the minimum maintenance, in terms of demolition by neglect, in terms of all the things that you have outlined here for us. We also need to look at addressing National Register status for our individual Landmark properties and Historic Districts so that individual Landmarks and properties in these districts would have access to the State Rehabilitation Tax Credit for maintenance and rehabilitation. For the six years that I have been on this Commission we have talked about a revolving loan fund or matching grant program and that has not been addressed. I don't know whether it is because the Commission has not pushed strongly enough for it or that the bankers aren't interested or whether it is something that staff hasn't had time to research, but it is something that we've talked about for

six years. Having researched some of the 285 properties in Salina from 1983 to 1985 and since then, I would like to see a Property Maintenance Code applied to those 285 identified properties. Right now we only have control over the demolition of those properties. We have no control over how and if they are maintained by their owners. If you want to do it City-wide that's fine. That may be the Planning Commission's purview rather than ours. I do not know. But the maintenance and preservation of those individual properties and the Landmark and Historic District properties I would like to see covered. I would also like to see us take the existing Historic Districts and upgrade them to National Register Districts rather than just local districts as they are now. I believe Wichita has done this and Lawrence.

Mr. Andrew stated this may not be something that would necessarily originate with this group but we wanted to make you aware that many cities have adopted a Property Maintenance Code as an adjunct to their Minimum Housing Code. That is because the Minimum Housing Code talks about what's the bare minimum to keep a structure habitable. It doesn't necessarily preserve and protect an historic property. The Property Maintenance Code deals with a lot more than upkeep and appearance items and many Property Maintenance Codes deal with items that our Nuisance Maintenance Codes deal with already, which may be junk in the yard, inoperable vehicles, tall weeds and grass, things of that nature. Property Maintenance Codes also extend to the home or garages or structures on the property and that could be as broad as City-wide maintenance code or it could be as narrow as having a Minimum Property Maintenance Code for designated historic districts or the individually recognized properties that you alluded to. We just wanted to make you aware that that is a tool and it's a tool that communities are using to provide some teeth rather than just using encouragement because there's not really anything you can cite as a violation of a City Code if you fail to maintain your property short of it becoming a dangerous structure.

Mrs. Douglass stated I like the idea of having a maintenance code for the Historic Districts and Landmarks. It seems to me that the Historic Districts are assets to the whole community. It makes the whole town look good. But if there's one property that's falling apart at the seams it's like a black eye on the whole district. Just speaking for myself I like this idea if other communities have tried and succeeded with it.

Mr. Andrew stated I think some Heritage Conservation Ordinances have stronger maintenance requirements than ours. Many communities have a maintenance code that applies to all residential areas and not just historically designated districts. It is staff's opinion that the criteria that is outlined in Attachment A are a little stronger and a little better written, a little clearer to understand than they are for the demolition criteria that you are supposed to look at and apply in the case of a historic district properties. I don't know if the Commission has an opinion on that. The criteria were written at two different times. As you notice we have different criteria for historic district properties than we have for an individual property outside

a district. That was one of the simpler options we proposed to strengthen the existing ordinance and eliminate the separate language in Section 42-464 and incorporate the language that applies to the individual Conservation Properties. John what is your experience in working with individual owners as it applies to requesting needed maintenance?

Mr. Burger stated if we apply a maintenance provision to Historic District properties we will want to include the individual Local Landmarks. A big factor in working with owners has been the availability of some kind of outside funding to take up where their own funds lack in completing a project. That very often affects whether a maintenance project may even begin. So I think locating a funding source is very important factor as well. We've investigated some internal funding such as a revolving loan fund or matching grant program. We've also contacted the National Trust and other outside funding sources for possible seed money. Those efforts have been unsuccessful to this point. The City has allowed Local Landmarks in Salina to take advantage of the Neighborhood Revitalization Program as have the vacated school buildings. Some CDBG funds may become available when Salina reaches 50,000 in population. This would be like the Wichita program. We would like to find potential funding sources to bridge the gap before the City is eligible for CDBG funds for preservation. In talking with the other certified local governments, and we are up to 13 now in Kansas, that's been one of their main topics, to obtain funds to assist property owners who may not have sufficient assets to accomplish repair and maintenance projects.

Mr. Andrew stated one starting point would be to have in our ordinance a definition of "demolition by neglect". We don't currently have that.

Mrs. Douglas stated well it looks like Attachment A, Number 7 outlines what one "demolition by neglect" definition would include.

Mr. Andrew stated that is correct. That would be a finding that could be made or a criteria that would have to be addressed if someone today sought to demolish an individual Conservation Property that is outside of a district. We think that's actually a little clearer and a little stronger language than we presently have in the district and landmark section so that's why we brought that to your attention. On page 8 of your report we laid out several options. One would be to propose no changes or amendments to the ordinance at this time. A second would be to direct us to draft an amendment that would apply the same criteria in Attachment A to local landmarks and historic district properties. That could be done in fairly short order and brought back for your review and consideration. We could also draft an amendment that would both define and add a provision for "demolition by neglect" although we don't think that's as important if you pursue Option 2 now. The language in Attachment A is pretty helpful in that regard. Then we could, as a final option, draft an outline for you of a property maintenance code to apply within historic districts and to individual landmarks.

not something that they found out about later or afterwards and that applies to a subdivision that has private streets instead of public streets. It's all a matter of education and we could help with that by helping people make informed decisions I mean most people who make a conscience decision to buy a historic district property know what they are getting and that is part of our job as staff is to have information available, furnish that to Realtors and the real estate communities so there is some education involved. That it's an informed decision to buy historic district property because what you say could very well be true if someone bought a property and didn't realize that and didn't realize what that entailed because it may make differences in some alterations or additions that they can do to their home.

Ms. Specht stated so really you are kind of needing Option 2 probably as well as Option 4. You would need one and the other.

Mr. Andrew stated I think Option 2 is important. That can be one of the simpler and faster changes or amendments. It is the part of that you've had the experience with in some cases. You've had the experience of going through hearings on 120 W. Prescott and trying to apply the criteria that our ordinance had at the time. Whether you think that is easier to apply criteria that is in Attachment A and would be a stronger position to work from in terms of reviewing a proposed demolition.

Ms. Specht stated I think it is easier to understand. It spells it out a little clearer and it would be easier to enforce. If we were to consider Attachment A something like that would cover houses within the historic district as well as any others on that historic resources survey.

Mr. Andrew stated yes. It would have essentially one set of criteria that would apply to historic district properties, landmarks and the 285 individual properties that we have around the City. One way is that it simplifies it because you have just one set of criteria. Some of the way that it is written and applied was used in the case at the 120 W. Prescott hearing. We don't think the existing criteria for demolition is all that clear to the people who are applicants and to the staff who are preparing staff reports and to the Commission that is trying to apply them. That is really your judgment to make. We just wanted to lay that out for you as a side by side comparison. It is odd to have two different sets of demolition criteria in the Ordinance when there should only be one.

Ms. Specht asked and Attachment B how does that go along, it just goes into more detail?

Mr. Andrew stated Attachment B is a sample of the Demolition by Neglect ordinance from North Carolina and what is different about it is that in terms of minimum maintenance it really defines what deterioration is. It gives staff a tool to use and puts people on notice what some specific examples of deterioration or neglect would be. That is certainly something we don't have today. We have language like

reasonable care, maintenance and upkeep appropriate for its protection and preservation. Those criteria are not specific enough to show whether a property is suffering from neglect. We don't think you are using reasonable care. That is not really definable and it doesn't really tell them what about their property is either deteriorated or is being neglected. If you look at the language above it says that the owner or other person having legal possession shall upon written request by the City repair such exterior features if they are found to be deteriorated and that is certainly stronger than what we have today. All we can do is ask or encourage people to take some steps to do something with their property. We don't have an agreed upon list of things that would be considered deterioration or would be considered items that have been neglected in terms of maintenance. The more specific you can be the stronger your ordinance is both to enforce and to put people on notice of activities that aren't encouraged. So Attachment B is a more specific example in two ways. It puts people on notice of what things you cannot allow to deteriorate. It also is a maintenance provision because it allows the City to issue directions to repair and requires the City to cite specific deficiencies. There is nothing in the existing ordinance that says there is anything wrong with having a porch that is falling off the house or that you can't stand on or anything of that nature it is just not that specific. So that is really what the Attachment B is. Attachment C is another variation of that. It defines what "demolition by neglect" is and that's pretty important, to have a definition of what is being neglected and then the final Attachment C is an example of an overall Property Maintenance Code from another community.

Ms. Specht asked do we have anything like this now in Salina, a Property Maintenance Code?

Mr. Andrew stated not at all. The City has a locally written Minimum Housing Code. When we adopt our other codes, they tend to be national or model codes like you have an International Building Code and you have an International Plumbing Code or Electrical Code and things of that nature. The same group that adopts and publishes those codes has an International Property Maintenance Code that goes with it that many cities have adopted. In some cases cities have written their own. We have an example which is quite a bit longer from a city in Indiana where they formed a committee of neighborhood residents, with representatives of the city and some other participants and they looked at some model codes. They said we need something that works for our community so they sat down and wrote their own local code that deals with both minimum housing and property maintenance. They didn't in that case proceed like a lot of communities and just go and adopt a model code. In their case they wanted something customized for their community so there's variations but there are a number of communities that adopt International Building Codes and they adopt the International Property Maintenance Code to go with it. There are a number of those out there currently. Salina has adopted nothing in that area. We have a Minimum Housing Code and a Dangerous Structures Code and that allows us to make a determination that a premises is not safe for anybody to

live in. We can placard or board up the house for having deteriorating conditions or a non-functional porch or crumbling siding or no paint or any of those things. There's nothing that addresses that specifically in an historic district.

Mr. Reynolds asked what about the takings issue?

Mr. Andrew stated well you are not really taking the value of somebody's home if you have a maintenance code that applies City-wide and you are establishing a bar or a minimum standard that people who own property have to maintain it to. You are not taking away somebody's property per se. You are not necessarily telling them what they can and can't do with it. You are saying that if they have a property that people are residing in it needs to be maintained to a certain level.

Mr. Reynolds asked so that just needs to be in a general code not specific as to preservation?

Ms. Specht stated right, that's my understanding

Mrs. Douglass asked is there anything that precludes us from doing Option 2 and then coming back to revisit 3 and 4?

Mr. Andrew stated that is why we laid out the Options separately. Staff would see Option 2 as something that would improve our current ordinance over what it is today. That could be done fairly quickly and wouldn't take a lot of work. Obviously you may want to study the other Options more, you may want to see additional options so you could look through what the implications of those are. That is why doing Option 2 doesn't preclude doing Options 3 or 4 later. That is why we separated those out. Option 2 would take little time to draft because there is no large change over what exists. Option 3 and 4 are bigger steps and bigger projects. We thought that with Option 2 we would strengthen the ordinance from where it is today as it applies to Landmarks and Historic District properties.

MOTION: Mrs. Douglass stated in that case I would move that we accept Option 2, the adoption of the demolition criteria for Conservation Properties to be applied to Landmark and Historic District properties and that we continue study of Options 3 and 4 as presented.

SECOND: Mrs. Yarnevich seconded the motion.

VOTE: Motion carried 5-0.

Mr. Andrew stated we will schedule a time to bring that back for you to see exactly

how that will be worded and how it would fit into that portion of the ordinance. You could then make a recommendation for consideration by the City Commission. The City Commission has approved a motion to evaluate a minimum maintenance or demolition by neglect amendment. We are doing that under their direction as well.

Mrs. Yarnevich asked if we had something like Attachment B in place would that have given us better criteria for establishing the cost of repairing that Prescott home?

Mr. Andrew stated I don't believe it would have. In the year 2000 we established that the property should not be demolished because it still retained sufficient integrity to be preserved and reused. The owner's decision to not sell or improve the residence, to not rent it out or seek a tenant or to do no maintenance whatsoever would have been addressed. Attachment B would have allowed the City of Salina to basically issue a citation to that owner, directing him that if the gutters fall off or broken windows aren't replaced or there's any of these types of things that are cited here like deterioration of exterior walls or crumbling plaster or ineffective waterproofing or rotting holes, things of that nature. It would have allowed the City to cite the owner and direct that those repairs or maintenance be done. That type of enforcement was not done in year 2000 or in subsequent years because there was no minimum maintenance criteria in existence at that time. What criteria we had for minimum maintenance were just not adequate for addressing that. Why we have included Attachment B is to address a potential case where the Heritage and City Commission determine that there has been no justification for the demolition of this house. The reason that this issue is before you on the subject of demolition by neglect under our current ordinances is so that an owner cannot simply neglect their property, bide their time and come back later and say see how deteriorated this is. It really needs to be demolished. What Attachment B would do and this is not what we just voted on in the motion, would be to study more specific criteria that says if an owner fails to patch holes or allows outside water to drain into the house or has leaking or crumbling chimneys or things of that nature then that is something that the City of Salina can direct them to repair. And that is not currently available. It's doesn't exist in any code or ordinance today. So that is a bigger step from where we are today. We placed it in the staff report as an example that has been used or applied in other cities.

#4. Consideration of a potential application for designation of the City of Salina under the "Preserve America's Communities" program.

Mr. Burger gave the staff report describing the program and the application requirements.

Mrs. Specht asked any there any questions? Staff has presented us with two options. Do we have a motion on one of them or another motion you would like to make?

MOTION: Mrs. Douglas stated I move we accept Option # 1 to direct staff to prepare an application under the program and bring it back before the Commission at a later date.

SECOND: Mrs. Yarnevich seconded the motion.

VOTE: Motion carried 5-0.

#5. Review of 2005 Annual Report.

Mr. Burger outlined the activities and accomplishments included in the annual report to the City Commission. He concluded by asking Heritage Commission members if they had any comments or suggestions on the proposed Goals for 2006. Heritage Commission members indicated that no additional Goals were necessary.

MOTION: Mrs. Douglas moved to accept the 2005 Annual Report and to refer the report to the City Commission

SECOND: Mrs. Yarnevich seconded the motion.

VOTE: Motion carried 5-0.

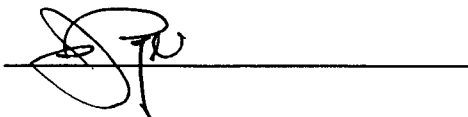
#6. Other Matters.

Mr. Burger stated I would like to add two other matters. We are extremely reluctant to see Mary Douglass leave the Commission after today's meeting. She has finished her second term and will be ineligible for 12 months to serve on the Heritage Commission. We have valued her participation and want to recognize that she has done a sterling effort in furthering the Commission's activities and accomplishments as a previous Chair and member. We will miss you and keep you in mind in case we do need a resource again in the future.

Mrs. Douglass stated thank you John. It has been a real education.

Mr. Burger stated that we have filled the citizen-at-large vacancy left by Ms. Bonilla. Elizabeth Duckers has agreed to be appointed to the Heritage Commission. Ms. Duckers previously served on the Commission as the Planning Commission representative while she was on that Board. The Commission's next regular meeting would be on April 25, 2006.

There being no other business, Ms. Specht adjourned the meeting at 5:05 p.m.

A handwritten signature, likely of Ms. Specht, is written over a horizontal line.

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John Burger, Assistant Secretary

Attest:
